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Los Angeles Superior Court

JUN 15 2017

Sherri R. Carter, Executive Officer/clerk

By Shaunya Bolden, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

CARLITA HENRIETTA TAYLOR aka CARLITA
HENRIETTA HENTON, an individual; JESSE
DAVID HENTON aka "CRICKET", an individual;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: BC 665191

COMPLAINT FOR ABATEMENT
AND INJUNCTION

[HEALTH & SAF. CODE
SECTION 11570, *ET SEQ.*; CIVIL
CODE SECTION 3479, *ET SEQ.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating a long-standing narcotics-related public nuisance which exists at a single family residence located at 3052 Folsom Street in East Los Angeles ("Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, *et seq.* and the Public Nuisance Law ("PNL"), Civil Code sections 3479-3480.

2. For more than a decade, the Property has been, and continues to be, a narcotics nuisance where the sale of methamphetamine and other controlled substances takes place on

1 a regular and continuous basis to steady streams of drug users and buyers who go to the
2 Property to purchase drugs. The Property has, and continues to have, a well-known reputation
3 in the surrounding community and with the Los Angeles Police Department ("LAPD") as a
4 prominent narcotics sales location.

5 3. Just within the past five months LAPD has served two narcotics search warrants
6 at the Property, the most recent on June 1, 2017, in which several people were arrested and
7 drugs and a gun recovered. LAPD has devoted considerable resources over the years to
8 eliminate or suppress the criminal activity at the Property. Officers have made approximately
9 20 arrests at the Property since 2006. Physically, the Property is conspicuously rundown.

10 4. Defendant CARLITA HENRIETTA TAYLOR aka CARLITA HENRIETTA
11 HENTON ("Defendant Taylor") and Defendant JESSE DAVID HENTON aka "CRICKET"
12 ("Defendant Henton") (collectively "Defendants") live at the Property and are directly involved
13 in the drug sales occurring at the Property. Just in the last five months they have both been
14 arrested twice at the property for narcotics violations. Defendant Taylor has nine criminal
15 convictions dating back to 1988, primarily for narcotics violations but also for theft, robbery,
16 and burglary. Defendant Henton has 22 criminal convictions dating back to 1978, primarily for
17 narcotics violations but also for possession of dangerous weapons, burglary, theft, assault with
18 a deadly weapon, battery, and receiving stolen property.

19 5. Plaintiff is filing this lawsuit in an effort to protect public safety as it is only a
20 matter of time before someone is seriously injured – or killed – as a result of the criminal
21 activity occurring at the Property. The people in the surrounding neighborhood cannot be
22 expected to perpetually endure this continual nuisance activity. The intent of this nuisance
23 abatement prosecution is to halt the unacceptable state of affairs at the Property once and for
24 all. People living in this neighborhood of handsome single family homes -- most of whom are
25 eminently law-abiding people seeking to quietly enjoy their own lives and property -- are
26 understandably terrified and disgusted by the goings-on at the Property.

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II. THE PARTIES AND THE PROPERTY

A. Plaintiff

6. Plaintiff, the People, is the sovereign power of the State of California designated in Health and Safety Code section 11571 and Code of Civil Procedure section 731 to be the complaining party in law enforcement actions brought to abate, enjoin and penalize public nuisances.

B. Defendant

7. According to public records, the Property has been owned since at least 1955 by Loren and Juanita Miller, husband and wife. Loren Miller died on July 14, 1967, and Juanita Miller died on August 17, 1970, and the Property has not been probated to determine the lawful heirs and the property taxes are still in their name. The relationship between the deceased property owners and Defendant Taylor (age 64), and Defendant Henton (age 61) is unknown at this time. Defendant Taylor has been and continues to be closely and directly connected to the Property. Defendant Taylor has lived at the Property for at least 10 years and pays the utility bills and property taxes for the Property. Defendant Taylor is directly responsible for the drug sales occurring at the Property. Her brother, Defendant Henton, has also lived at the Property for at least 10 years and is also directly involved in the drug sales occurring at the Property. Both Taylor and Henton have been arrested at the Property on several occasions. As the persons in control of the Property and also as the persons conducting the drug sales, Defendant Taylor and Defendant Henton are directly responsible for the nuisance activity occurring at the Property.

8. At all times mentioned herein, Defendants Taylor and Henton have owned, occupied, controlled and/or operated the Property, and/or have acted in the capacity of owners and/or lessors of the Property. Plaintiff is informed and believes and thereon alleges that Defendants Taylor and Henton have permitted individuals to rent and/or live at and/or visit the Property and use it for illegal and unlawful purposes, including narcotics sales and unlawful firearm possession. Plaintiff is informed and believes and thereon alleges that Defendants Taylor and Henton, by facilitating and/or participating in the drug sales, drug distribution, and

1 drug usage at the Property, and by creating and/or contributing to an unsafe atmosphere
2 throughout the entire neighborhood, are responsible for conducting and maintaining the
3 nuisance as alleged herein, thereby violating the Narcotics Abatement Act and Public
4 Nuisance Law.

5 9. The true names and capacities of defendants sued herein as Does 1 through 50,
6 inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
7 names. When the true names and capacities of said defendants have been ascertained,
8 Plaintiff will seek leave of Court to amend this Complaint and to insert in lieu of such fictitious
9 names the true names and capacities of said fictitiously named defendants.

10 **C. The Property**

11 10. The Property is a single-family residence located at the commonly known
12 address of 3052 Folsom Street, Los Angeles, California 90063, in East Los Angeles.¹ A
13 photograph of the Property is attached hereto as Exhibit A. It is a 3 bedroom, approximately
14 1,040 square foot, one-story home that sits on the corner of a block of well-kept single family
15 homes. The Property, in contrast, is unkempt on its exterior and dilapidated in its interior. Old
16 furniture, bicycles, and other refuse litter the front, rear and side yards. The Property lies within
17 704 feet of Malabar Elementary School located at 3200 E. Malabar Street.

18 **III. THE NARCOTICS ABATEMENT LAW**

19 11. The abatement of a nuisance is a long established and well-recognized exercise
20 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel.*
21 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
22 principal purpose of the NAL (Health & Saf. Code, § 11570, et seq.) is the abatement of
23 buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping,
24 manufacturing, or giving away any controlled substance, precursor, or analog specified in this
25 division" (Health & Saf. Code, § 11570).

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28 ¹ The Property's legal description is: "Records Sub of W ½ of Lot 7 Blk 74 H S NE 100 FT of Lot 18, in the County
of Los Angeles, Census Tract 203800, Block 3003." The Los Angeles County Assessor's Parcel Number for the
Property is 5178-020-029.

1 12. The NAL provides that every building or place used for the purpose of unlawfully
2 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
3 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
4 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570
5 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
6 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

7 13. Health and Safety Code section 11571 authorizes a city attorney to bring an
8 action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part:
9 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,
10 maintained, or exists in any county, the district attorney of the county, or the city attorney of
11 any incorporated city or of any city and county, in the name of the people, may . . . maintain an
12 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
13 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
14 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

15 14. Health and Safety Code section 11573(a) provides that: "If the existence of the
16 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
17 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
18 to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added.) In
19 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
20 removal and sale of all fixtures and movable property on the premises used in aiding or
21 abetting the nuisance and for the closure of the building for up to one year.

22 IV. THE PUBLIC NUISANCE LAW

23 15. Civil Code section 3479 defines a public nuisance as "[a]nything which is
24 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
25 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
26 interfere with the comfortable enjoyment of life or property" (See *City of Bakersfield v.*
27 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
28 'nuisance' in Civil Code section 3479"].)

1 16. Civil Code section 3480 defines a public nuisance as "one which affects at the
2 same time an entire community or neighborhood, or any considerable number of persons,
3 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

4 17. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
5 and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
6 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

7 18. Civil Code section 3491 provides that the "remedies against a public nuisance
8 are indictment or information, a civil action or abatement." Abatement is "accomplished by a
9 court of equity by means of an injunction proper and suitable to the facts of each case."
10 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

11 19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
12 to enjoin or abate a public nuisance. It provides in relevant part "[a] civil action may be brought
13 in the name of the people of the State of California to abate a public nuisance . . . by the city
14 attorney of any town or city in which such nuisance exists."

15 20. Where "a building or other property is so used as to make it a nuisance under the
16 statute, the nuisance may be abated . . . , notwithstanding that the owner had no knowledge
17 that it was used for the unlawful purpose constituting a nuisance." (*People ex rel. Bradford v.*
18 *Barbiere* (1917) 33 Cal.App. 770, 779; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165
19 Cal.App.2d 306, 318 ["a nuisance and liability therefore may exist without negligence"]; *People*
20 *v. McCadden* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such
21 nuisance was conducted and maintained on the premises in question, regardless of the
22 knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner . . . is
23 unnecessary."]; *People v. Peterson* (1920) 45 Cal.App. 457, 460 ["[I]t was not necessary . . .
24 for the trial court to find either, that the [defendants] threatened, and unless restrained, would
25 continue to maintain, aid, and abet, the nuisance, or that they knew the building was used in
26 violation of the act. . . . The existence of the nuisance was the ultimate fact in this case, and
27 having been found, supports the judgment."].) This is because "the object of the act is not to
28 punish; its purpose is to effect a reformation of the property itself." (*People v. Bayside Land*

1 Co. (1920) 48 Cal.App. 257, 261.)

2 **V. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

3 **[Health and Safety Code Section 11570, *et seq.* --**

4 **Against Defendants and DOES 1 through 50]**

5 21. Plaintiff hereby incorporates by reference paragraphs 1 through 20 of this
6 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

7 22. On a continuous and ongoing basis, from an exact date unknown, but since at
8 least 2006, the Property has been and is *currently* being used for the purposes of unlawfully
9 selling, serving, storing, keeping, manufacturing or giving away controlled substances in
10 violation of Health and Safety Code section 11570, *et seq.* Narcotics are sold on the Property
11 to drug users and buyers who are drawn there to purchase narcotics.

12 23. Defendants, and DOES 1 through 50, are responsible for conducting,
13 maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has
14 no plain, speedy and adequate remedy at law and unless Defendants, and DOES 1 through
15 50, are restrained and enjoined by order of this Court, they will continue to use, occupy and
16 maintain, and/or to aid, abet or permit, directly or indirectly, the use, occupation and
17 maintenance of the Property, together with the fixtures and appurtenances located therein, for
18 the nuisance complained of herein, to the great and irreparable damage of the public and in
19 violation of California law.

20 **VI. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

21 **[Civil Code Section 3479, *et seq.* --**

22 **Against Defendants and DOES 1 through 50]**

23 24. Plaintiff incorporates by reference Paragraphs 1 through 23 of this Complaint and
24 makes them part of this Second Cause of Action as though fully set forth herein.

25 25. On a continuous and ongoing basis, from an exact date unknown, but since at
26 least 2006, through the present time, the Property has been owned, operated, occupied, used,
27 and/or directly or indirectly permitted to be occupied and used, in such a manner as to
28 constitute a public nuisance in violation of Civil Code sections 3479 and 3480. The public

1 nuisance, as described herein, is injurious to health, indecent or offensive to the senses,
2 and/or an obstruction to the free use of property, so as to substantially and unreasonably
3 interfere with the comfortable enjoyment of life or property by those persons living in the
4 surrounding community. The public nuisance at the Property consists of, but is not limited to:
5 narcotics sales drawing in parades of narcotics users and buyers to the Property; assault with
6 a deadly weapon, and possession of a dangerous weapon.

7 26. Defendants, and Does 1 through 50, in owning, conducting, maintaining, and/or
8 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in
9 wrongful conduct and caused a serious threat to the general health, safety and welfare of the
10 law-abiding persons in the area surrounding the Property.

11 27. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
12 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,
13 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
14 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
15 and irreparable damage of Plaintiff and in violation of California law.

16 **PRAYER**

17 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
18 **DECREE AS FOLLOWS:**

19 **AS TO THE FIRST CAUSE OF ACTION:**

20 1. That Defendants, DOES 1 through 50, and the Property, be declared in violation
21 of Health and Safety Code section 11570, *et seq.*

22 2. That the Property, together with the fixtures and moveable property therein and
23 thereon, be found to constitute a public nuisance and be permanently abated as such in
24 accordance with Section 11581 of the California Health and Safety Code.

25 3. That the Court grant a preliminary injunction, permanent injunction and order of
26 abatement in accordance with Section 11570, *et seq.* of the California Health and Safety Code,
27 enjoining and restraining each Defendant and their agents, officers, employees and anyone
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1 acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing, or
2 giving away controlled substances on the Property.

3 4. That the Court order physical and managerial improvements to the Property in
4 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
5 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
6 including, but not limited to, a prohibition on Defendants Taylor and Henton's presence at or
7 within 1000 feet of the Property at any time, for any reason, and strict limitations on who else
8 may be present on the Property at all times.

9 5. That the court order Defendants, if they are heirs of Loren and Juanita Miller, to
10 initiate probate proceedings for the Property and diligently pursue the probate to its conclusion.

11 6. That as part of the Judgment, an Order of Abatement be issued, and that the
12 Property be closed for a period of one year, not to be used for any purpose, and be under the
13 control and custody of this Court for said period of time; or, in the alternative, if the Court
14 deems such closure to be unduly harmful to the community, that Defendants, and DOES 1
15 through 50, pay an amount equal to the fair market rental value of the Property for one year to
16 the City of Los Angeles in accordance with Health and Safety Code section 11581 subdivision
17 (c)(1).

18 7. That Defendants and DOES 1 through 50 each be assessed a civil penalty in an
19 amount not to exceed twenty-five thousand dollars (\$25,000.00).

20 8. That all fixtures and moveable property used in conducting, maintaining, aiding or
21 abetting the nuisance at the Property be removed by the LAPD and sold in the manner
22 provided for the sale of chattels under execution. Said fixtures and property shall be
23 inventoried and a list prepared and filed with this Court.

24 9. That there shall be excepted from said sale, such property to which title is
25 established in some third party not a defendant, nor agent, officer, employee or servant of any
26 defendant in this proceeding.

27 10. That the proceeds from said sale be deposited with this Court for payment of the
28 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,

1 removal of said property, and Plaintiff's costs in the action, including attorneys' fees, and such
2 other costs as the Court shall deem proper.

3 11. That if the proceeds of the sale do not fully discharge all such costs, fees and
4 allowances, the Property shall also be sold under execution issued upon the order of the Court
5 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
6 monies remaining after payment of approved costs shall be delivered to the owner of said
7 Property. Ownership shall be established to the satisfaction of this Court.

8 12. That Defendants, DOES 1 through 50, and any agents, trustees, officers,
9 employees and anyone acting on their behalf, and their heirs and assignees, be perpetually
10 enjoined from transferring, conveying, or encumbering any portion of the Property, for
11 consideration or otherwise, without first obtaining the Court's prior approval.

12 13. That Defendants, and DOES 1 through 50, be ordered to immediately notify any
13 transferees, purchasers, commercial lessees, or other successors in interest to the subject
14 Property of the existence and application of any temporary restraining order, preliminary
15 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
16 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
17 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
18 the subject of this action.

19 14. That Defendants, and DOES 1 through 50, be ordered to immediately give a
20 complete, legible copy of any temporary restraining order and preliminary and permanent
21 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
22 to the Property.

23 15. That Defendants, and DOES 1 through 50, be ordered to immediately request
24 and procure signatures from all prospective transferees, purchasers, lessees, or other
25 successors in interest to the subject Property, which acknowledges his/her respective receipt
26 of a complete, legible copy of any temporary restraining order, preliminary and permanent
27 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
28 Office, c/o Deputy City Attorney Jennifer Varela or her designee.

1 16. That Plaintiff recover the costs of this action, including law enforcement
2 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
3 \$1,000,000.00, from Defendant and DOES 1 through 50.

4 AS TO THE SECOND CAUSE OF ACTION

5 1. That the Property, together with the fixtures and moveable property therein and
6 thereon, be declared a public nuisance and be permanently abated as such in accordance with
7 Civil Code section 3491.

8 2. That each Defendant and their agents, officers, employees and anyone acting on
9 their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
10 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
11 public nuisance. Such orders should include, but not be limited to physical and managerial
12 improvements to the Property, stay away orders for persons who have contributed to the
13 nuisance at the Property, and such other orders as are appropriate to remedy the nuisance on
14 the Property and enhance the abatement process.

15 3. Such costs as may occur in abating said nuisance at the Property and such other
16 costs as the Court shall deem just and proper.

17 4. That Plaintiff be granted such other and further relief as the Court deems just and
18 proper, including closure and/or demolition of the Property.

19 AS TO ALL CAUSES OF ACTION

20 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
21 the service of process or notices which would have been paid but for Government Code
22 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
23 amount of the fees for certifying and preparing transcripts.
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1 2. That Plaintiff be granted such other and further relief as the Court deems just and
2 proper.
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4 DATED: June 15, 2017

Respectfully submitted,

5 MICHAEL N. FEUER, City Attorney
6 JONATHAN CRISTALL, Supervising Assist. City Attorney

7
8 By: _____

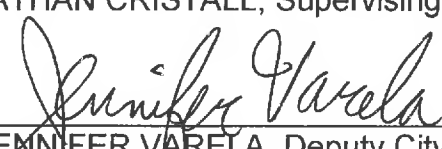

JENNIFER VARELA, Deputy City Attorney
Attorneys for Plaintiff, THE PEOPLE OF THE STATE
OF CALIFORNIA
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EXHIBIT A

